

CHAPTER VI - SUBMITTAL REQUIREMENTS

Chapter Overview

This chapter identifies what must be included in applications for various stages of subdivision review in accordance with the Montana Subdivision and Platting Act, [Title 76, Chapter 3, MCA \(“MSPA”\)](#). Refer also to the Chapter V “Subdivision Review Criteria,” for the criteria for approving applications and Chapter IV “Subdivision Application and Review Process,” for discussion of process, timing, and roles of the applicant, administrator, planning board, and governing body.

VI-A General Format of All Application Submittals

1. Application

Complete applications and supporting materials shall be submitted to the administrator at the following location:

[\[INSERT ADDRESS AND CONTACT INFORMATION FOR SUBDIVISION ADMINISTRATOR, OR PROVIDE WEB LINK FOR DIGITAL APPLICATION SUBMITTALS\]](#)

2. Format

Complete applications and supporting materials shall be provided in PDF format either electronically (email) or via an external USB drive as applicable. If the applicant is unable to create a PDF document, the applicant may contact the administrator to determine the number and dimensions of paper copies required.

3. Additional Copies and Formats

Additional paper copies or supporting materials submitted electronically or via external USB drive may be required in order to ensure that all reviewers have the documents in a format they can access and read.

VI-B Pre-Application Meeting

1. Application Contents

The applicant shall submit the following items when requesting a pre-application meeting:

- a) Review Fee (if applicable).
- b) Completed pre-application form and supporting materials (refer to Ch. V).

VI-C Preliminary Plat Application

1. Application Contents

The applicant shall submit to the administrator a complete application package containing the elements listed below as required by the administrator during the pre-application meeting:

- a) Preliminary plat application form signed by the property owner(s) and applicant (if different).
- b) Preliminary plat/plan (as applicable) on one or more sheets that clearly illustrates:
 - i. The lot layout showing the existing structures, proposed building sites, sanitation information required by DEQ, and pertinent environmental features including floodplains, wetland and riparian vegetation, ponds, lakes and other waterbodies;

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- ii. Existing and proposed easements, identified as to purpose and with record references (e.g., bk/pg) for existing easements;
 - iii. The road and street network showing legal and physical access to the site and to each individual lot;
 - iv. Pedestrian and bike access and circulation;
 - v. Existing and proposed utilities;
 - vi. Proposed parkland dedication;
- c) The appropriate review fee.
- d) Tract of record history clearly documenting the legal existence of the tract(s) of record being divided.
- e) Proof of minor subdivision eligibility. If the subdivision is proposed as a minor subdivision as defined in Chapter III of these regulations, documentation of the original tract of record as of July 1, 1973 and copies of each certificate of survey, subdivision plat, or other division pertaining to that tract of record since July 1, 1973.
- f) Applicable agricultural covenants. If the subject property was created with an agricultural covenant per [76-3-207\(c\), MCA](#), the application shall contain a written request to revoke the covenant.
- g) Site location/vicinity map.
- h) Aerial photo of property to be subdivided.
- i) A brief narrative summarizing the proposed subdivision.
- j) Overall phased development plat and schedule. If the applicant does not intend to install all improvements, including roads and electricity to each lot in the subdivision by final plat filing, the subdivider shall submit an overall phased development preliminary plat on which independent platted development phases are presented, as well as a schedule for when each phase will be submitted for review. Refer to Ch. VI-E below for specific application requirements.
- k) A preliminary title report (less than three years old), including copies of all filed documents referenced.
- l) Documentation demonstrating legal and physical access to the subdivision and to each proposed lot.
- m) Documentation demonstrating compliance with applicable zoning regulations.
- n) Required documentation and narrative pertaining to a request for variance from any component of the subdivision that does not conform to the requirements of Chapter VII, "Subdivision Design and Improvement Standards." Refer to Ch. VI-D for additional information on the variance request process.
- o) A completed Environmental Assessment or Summary of Probable Impacts (refer to Chapter III, "Overview and Types of Subdivisions" to determine if an environmental assessment or a summary is required).
- p) A description of any proposed mitigation measures to address significant adverse impacts related to the subdivision.
- q) A list of agencies contacted by the applicant along with information supplied to the agencies and all comments received to date.
- r) A certified list showing the names and addresses of all adjoining property owners.

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- s) Documentation of site suitability including a description and analysis of soils, topography, floodplain and identification of all natural and man-made hazards.
- t) Proposed street or road plans.
- u) A traffic impact study prepared and signed by a professional engineer.
- v) A grading plan for any areas proposed for surface disturbance, including roads.
- w) A stormwater drainage plan for any areas proposed for roads and for facilities (including swales or detention areas) that will serve more than one lot, meeting the requirements of the local public health office and DEQ (when applicable).
- x) Water, sanitation, stormwater and solid waste information and documentation meeting the requirements of [76-3-62, MCA](#).
- y) A solid waste management plan.
- z) Information regarding existing and proposed irrigation on or adjacent to the subdivision, including any proposal to remove water rights from the property.
- aa) A description of existing and proposed utilities on and adjacent to the site.
- bb) A description of the proposed methodology to meet parkland dedication requirements.
- cc) A fire suppression plan.
- dd) A wetland delineation.
- ee) A vegetation management plan.
- ff) An irrigation plan and landowners' water use agreement.
- gg) A dust control plan.
- ff) A description of the status of existing mineral rights and proposed disposition of those rights.
- hh) A description of existing and proposed access for children to/from the school(s) serving the development, including but not limited to crosswalks and bus stops/access.
- ii) A description of the cultural and historic characteristics of the site and surrounding area accompanied by an assessment of the impacts to these characteristics as a result of subdivision.
- jj) An assessment of potential wildlife/human interaction and impacts associated with the development.
- kk) Draft Homeowners' Association (HOA) documents including proposed articles of incorporation, declaration and bylaws, covenants and maintenance provisions for any common areas or improvements not dedicated to the public.

2. Element Review

The list above constitutes the components required for "Element Review," referenced in Chapter IV, "Subdivision Review Process." Response to each item required at the pre-application meeting is required to be addressed in the preliminary plat application; however, if the required item does not apply to the proposed subdivision, the application shall provide a statement of explanation and information or documentation to support the statement.

The information submitted for each element listed above shall conform to the detailed requirements found in Ch. V.

3. Special Provisions for Condominiums, Townhomes, Townhouses, and RV and Mobile Home Parks

Applications for condominiums, townhomes, townhouses, and RV and mobile home parks shall submit a site plan in place of a plat, along with all other required information. The detailed requirements for these subdivisions and for a site plan are included in Appendix A, “Preliminary Plat Application Requirements.”

4. Format and Number of Copies once the Application is Determined Sufficient

Once the application is determined sufficient, the administrator shall contact the applicant to request the required number of copies of the application that must be submitted¹, as well as the format and deadline for submittal. The original application and all responses to element and sufficiency review constitute the complete application.

VI-D Request for Variance

1. Separate Request for Each Design Standard

The applicant shall include in the preliminary plat application a separate request for each variance to a specific design standard that the proposed subdivision does not meet.

2. Application Contents

A request for a variance shall include the following information:

- a) Complete application form.
- b) The appropriate review fee.
- c) The exact citation of the design standard for which the variance is requested.
- d) A short summary stating the reason for the variance request; it is the burden of the applicant to prove that because of unique topography or other exceptional conditions on the property the strict application of these regulations would result in an undue hardship rectified only through approval of a variance.
- e) Written Narrative and Documentation

Pursuant to the criteria found in Chapter 5 of these regulations, the applicant shall submit detailed narrative and documentation to support how the variance:

- i. Will not be detrimental to public health, safety, or general welfare, or be injurious to adjoining properties;
- ii. Is necessary because of unique physical conditions onsite;
- iii. Will not cause a substantial increase in public costs;
- iv. Will not place the subdivision in nonconformance with any adopted zoning regulations;
- v. Will not allow subdivision for building purposes within a floodway of 100-year frequency;
- vi. Will comply with specific provisions for variances as may be described in Chapter VII “Design and Improvement Standards”; and

¹ Some jurisdictions require paper copies for each planning board member, one for public review, and one for each member of the governing body. Others prefer to distribute application materials electronically. It is recommended that prior to adoption of these regulations, the local government insert the number of paper copies required for major and minor subdivisions.

- vii. Will not have the effect of nullifying the intent and purpose of these regulations.

3. Format and Number of Copies

The format and number of copies for variance requests is the same as is required for preliminary plat applications described in Ch. VI-A above.

VI-E Phased Development

1. Materials to be Submitted with Preliminary Plat Application

The applicant shall include in the preliminary plat application a formal request and detailed plan with accompanying narrative describing the independent phases of development if the subdivision is proposed to be completed in phases (refer to Chapter VIII – Subdivision Capital Improvements and the Supplemental Administrative Materials² for additional detail).

2. Application Contents

The request for a phased development shall include all of the following:

- a) A completed request for phased development form.
- b) The appropriate review fee.
- c) A Preliminary Plat/Plan that delineates:
 - i. The number of lots and area (in acres) included in each phase.
 - ii. The public facilities (including parkland) and improvements to be completed with each phase.
- d) A public facilities improvement plan describing which improvements (including parkland) will be completed with each phase.
- e) Documentation and a written statement confirming that each phase is fully capable of functioning with all the required improvements in place and meeting all applicable design standards and parkland dedication requirements found in Chapter VII, in the event the future phases are not completed or completed at a much later time.
- f) Projected time frame for the completion of each phase.

3. Format and Number of Copies

The format and number of copies for phased development applications is the same as is required for preliminary plat applications described in Ch. VI-A above.

VI-F Amending Applications

1. Application Contents

A request for amending a submitted application shall include the following:

- a) A completed Request to Amend Application Form.
- b) The appropriate review fee.

² As noted in Ch. I-K, Jurisdictions will adopt regulations to suit their local needs. Many Montana governmental units post Subdivision Regulations, forms and Supplemental Administrative Materials to their websites. For additional examples of Supplemental Administrative Materials, please contact the Community Technical Assistance Program at DOCCTAP@mt.gov.

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- c) A detailed narrative summarizing the proposed changes, the reason for the changes, and how they differ from what was previously submitted.
- d) A revised plat/plan identified as “Amended” in the title, along with the date of amendment.
- e) Any supplemental materials and supporting documents that require amendment as a result of the proposed changes, identified as “Amended” in the title along with the date of amendment.

2. Format and Number of Copies

The format and number of copies for an amended application is the same as is required for preliminary plat applications described in Ch. VI-A above.

VI-G Mitigation Proposed by the Applicant (After Subdivision Determined Sufficient)

1. Application Contents

Proposed mitigation measures submitted following a sufficiency determination shall include the following information:

- a) The name of the subdivision, legal description, location information, applicant contact information, and date submitted.
- b) A detailed description of the proposed mitigation, to include:
 - i. Identification of the specific resource(s) that would be addressed by the mitigation (e.g., agriculture, agricultural water user facilities, local services, natural resources, wildlife, wildlife habitat, and/or public health and safety);
 - ii. Documentation of how the proposed mitigation reduces the significance of the impact to acceptable levels.

2. Format and Number of Copies

The format and number of copies for mitigation proposed after the subdivision application is determined sufficient is the same as is required for preliminary plat applications described in Ch. VI-A above.

VI-H Final Plat Application

1. Application Contents

The final plat application and supplemental materials shall include the following:

- a) A complete final plat application.
- b) The appropriate review fee.
- c) A final plat or site plan that complies with the Montana Uniform Standards for Final Subdivision Plats.
- d) A written explanation and documentation of how each of the conditions of the preliminary plat approval has been satisfied.
- e) Any other required elements as identified in [76-3-611, MCA](#).

2. Format and Number of Copies

The format and number of copies for the final plat application is the same as is required for preliminary plat applications described in Ch. VI-A above. Additional copies may be required by the Subdivision Administrator as necessary.